

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-12253JLA

STEVEN MCDERMOTT and
STACEY MCDERMOTT,
Plaintiffs,

v.

FEDEX GROUND PACKAGE SYSTEMS, INC.,
T.S. PRUITT, ALLEGIANCE HEALTH CARE
INC., D. PONCE, E.W. WYLIE CORPORATION,
D.W. SMITH, ARSENBURGER TRUCKING
INC. J.T. FOSBRINK, RYDER TRUCK RENTAL,
LORRAINE ODZANA as ADMINISTRATRIX
OF THE ESTATE OF JAMES J. ODZANA,
SHORELINE TRANSPORTATION, INC.,
JACYLYN PALETTA as ADMINSTRATRIX
OF THE ESTATE OF MARIO J. CASTRO,
Defendants.

DEFENDANTS JACLYN PALETTA AS ADMINISTRATRIX OF THE ESTATE OF MARIO
J. CASTRO, AND SHORELINE TRANSPORTATION INC.'S JOINT MOTION FOR LEAVE
TO FILE A REPLY BRIEF IN RESPONSE TO FED EX AND PRUITT'S OPPOSITIONS TO
JACLYN PALETTA'S MOTIONS TO DISMISS FOR LACK OF PERSONAL
JURISDICTION

Pursuant to Local Rule 7.1(B)(3), the Defendant, Jaclyn Paletta, as Administratrix of the Estate of Mario Castro (hereinafter "Paletta"), and Shoreline Transportation, Inc. ("Shoreline"), respectfully request leave of this Court to file a reply brief to respond to the opposition filed by the Defendants, Fed Ex Ground Package System, Inc. ("Fed Ex") and Tim Pruitt ("Pruitt"), to their respective motions to dismiss for lack of personal jurisdiction.

Paletta and Shoreline seek leave to reply to Fed Ex and Pruitt's arguments that they waived the right to assert the defense of personal jurisdiction. Paletta and Shoreline did not

address this issue in their respective memoranda where they specifically denied that the exercise of jurisdiction was proper in their Answer to the Second Amended Complaint and any argument to the contrary was not anticipated.

Paletta and Shoreline submit that a reply brief will assist the court and the parties by allowing full and fair consideration of the issues presented and counsel for FedEx and Pruitt have stated that they will not oppose this motion.

WHEREFORE, Shoreline and Paletta respectfully move that this Honorable Court enter an order granting its leave to file the attached reply brief in response to Fed Ex and Pruitt's Opposition to Paletta and Shoreline's Motions to Dismiss.

Respectfully Submitted,
JACLYN PALETTA as
ADMINISTRATRIX of the
ESTATE OF MARIO J. CASTRO,
By her attorney,

/s/

Dated: August 7, 2007

James S. Franchek (BBO #177030)
Adam M. Berkowitz (BBO #648172)
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SHORELINE TRANSPORTATION INC.,
By its attorney,

/s/

Brian J. Donegan, (BBO #648501)
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CERTIFICATE OF FULE 7.1 CONFERENCE AND OF SERVICE

I, Adam M. Berkowitz, Esq., hereby certify that prior to filing the above motion he conferred with Fed Ex and Pruitt's counsel concerning its subject matter in a good faith attempt to resolve or narrow the issues presented. The undersigned further certifies that on August 7, 2007 this document is being filed through the ECF system and, accordingly, is being sent electronically to the registered participants as identified on the Notice of Electronic Filing and a paper copy will be sent to any party indicated as a non-registered participant

/s/

Adam M. Berkowitz

Dated: August 7, 2007